IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4617 of 2007()

SC.953/2005 of I ADDL. DISTRICT COURT, PALAKKAD

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PETITIONER : 21ST ACCUSED:

RUBEESH.R., S/O.RAMANKUTTI,
KUNNAMKULANGARA, AYYAPPANKAVU, PIRAYIRI,
PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS: COMPLAINANT/NON PARTY.

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1. SURESH, S/O.VELANKUTTY, VARIAMPARAMBU,
PIRAYIRI, PALAKKAD.

2. STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4617 OF 2007

Dated this the 24th day of July, 2007

ORDER

The petitioner is the 21st accused in S.C.No.953/05 pending before the Additional Sessions Court, Palakkad. He faces indictment, inter alia, for the offence punishable under Sec.308 read with Sec.149 of the IPC. The case has been committed to the Court of Session. The petitioner could not appear before the learned Sessions Judge. Consequently, a warrant of arrest issued by the learned Judge is chasing the petitioner. According to the petitioner, he is absolutely innocent. His failure/omission to appear earlier was on account of reasons beyond his control. It was not wilful. The petitioner is willing to co-operate with the court for the expeditious disposal of the case. He is willing to surrender before the learned Judge. The petitioner apprehends that his

application for regular bail may not be considered by the learned Judge on merits in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Judge to release him on bail when he appears before the learned Judge.

2. It is for the petitioner to appear before the learned Judge and explain to the learned Judge the circumstances under which he could not earlier appear before the learned Judge. I have no reason to assume that the learned Judge would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Judge and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Judge must

proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge